

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

NEIL S. DOMINGO,)
vs. Plaintiff,)
vs.)
CAROLYN W. COLVIN,)
Acting Commissioner of the Social)
Security Administration,)
vs.)
Defendant.)
NO. CIV-12-0528-HE

ORDER

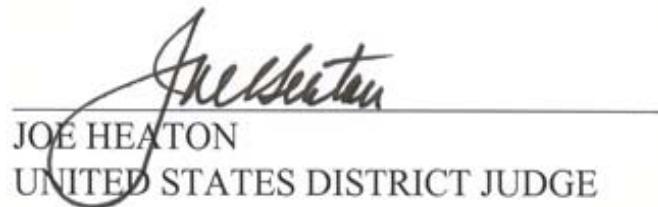
Plaintiff Neil S. Domingo Bailey, filed this action seeking judicial review of the final decision of the Commissioner of the Social Security Administration denying his application for disability insurance benefits. Consistent with 28 U.S.C. § 636(b)(1)(B), the case was referred to Magistrate Judge Shon T. Erwin, who recommends that the Commissioner's decision be reversed and the matter remanded for further proceedings. The magistrate judge found the Administrative Law Judge erred in her credibility analysis and also noted her failure to address or explain the VA disability rating.

The parties, having failed to object to the Report and Recommendation, waived their right to appellate review of the factual and legal issues it addressed. United States v. One Parcel of Real Property, 73 F.3d 1057, 1059-60 (10th Cir. 1996). *See* 28 U.S.C. § 636(b)(1)(C). Accordingly, the court adopts Magistrate Judge Erwin's Report and Recommendation, **REVERSES** the final decision of the Commissioner and **REMANDS** the case for further proceedings consistent with the Report and Recommendation, a copy of

which is attached to this order.

IT IS SO ORDERED.

Dated this 19th day of September, 2013.



JOE HEATON
UNITED STATES DISTRICT JUDGE